TL6593-4

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/1990/SR.34/Add.1
11 October 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Forty-second session

SUMMARY RECORD OF THE SECOND PART* OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 August 1990, at 3 p.m.

Chairman: Mr. TÜRK

CONTENTS

Consideration of draft resolutions and decisions (continued)

* The summary record of the first part of the meeting appears as document E/CN.4/Sub.2/1990/SR.34.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.90-13662/2482B

17. Mr. ALFONSO MARTINEZ, speaking on a point of order, requested the Chairman to ask the observer for El Salvador to respect the atmosphere of comprehension and goodwill that had marked the discussions on the draft resolution and to refrain from denigrating the other party to the conflict.

18. The CHAIRMAN asked the observer for El Salvador to refrain from using language that might create unnecessary difficulties in the process of adoption of the draft resolution.

19. Mr. MENDOZA (Observer for El Salvador) underscored the importance of the recommendation in operative paragraph 8 that the Special Representative of the Commission on Human Rights should place special emphasis on verifying whether the commitments and measures set out in the agreement on human rights of 26 July 1990 had been implemented, and expressed the conviction that strict observance of human rights was a sine qua non to guarantee a just and lasting peace in El Salvador.

20. Draft resolution E/CN.4/Sub.2/1990/L.39 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1990/L.41

21. Mr. JOINET, introducing the draft resolution, said that he appreciated the decision by the observer for Indonesia to present his arguments in a written note. However, he said that the claim that representatives of non-governmental organizations had been able to visit East Timor without restriction was not borne out by the information he had been given by certain NGOs.

22. Criticism concerning political bias was totally unfounded as the text deliberately avoided any reference to the administering Power or to self-determination. The sponsors wished to insert the words "in order to ensure full respect for human rights" at the end of the second preambular paragraph, and to replace in operative paragraph 1 the words "a comprehensive solution to the problem of East Timor" by the words "a solution to ensure full respect for human rights in East Timor;". He hoped that those amendments would help to satisfy those who wished the draft resolution to confine itself to the sphere of human rights and that they would be able to support the text as amended.

23. Mrs. DAES emphasized the humanitarian spirit of the draft resolution and said that after studying the problem of East Timor for 15 years both in the Sub-Commission and the General Assembly, she had become convinced that human rights violations had taken place there ever since its illegal invasion. Although the violations were perhaps neither gross nor systematic, there was no doubt that they existed, and she underscored the importance of operative paragraph 3 of the draft resolution.

24. Mr. TREAT said that he also had followed the situation in East Timor for a number of years and he endorsed the views of the two previous speakers. Substantial progress appeared to have been made in that country and the Indonesian Government deserved credit for several recent developments, the most noteworthy of which was the opening of a large number of new educational establishments. Those developments, together with the recent visits to East Timor by important personalities, should be placed on record to balance earlier statements that gave a rather more negative picture of the situation.

25. Mr. EIDE said that he fully supported the draft resolution and would like to become a sponsor. In his opinion a referendum would be the ideal way of settling the question of East Timor's future and he had heard no convincing reason why a referendum could not be held. If such a referendum showed that East Timor wished to become part of Indonesia, he would then withdraw his support from the resolution.

26. Mr. ILKAHANAF differed from Mr. Joinet and Mrs. Daes for reasons of both principle and procedure. The whole issue of East Timor was a political one involving the former colonial Powers, Portugal and Indonesia, as well as the question of self-determination. The issues raised by the draft resolution merely covered up the fundamental questions. In his view the Sub-Commission was not the proper place to settle the problem of East Timor.

27. In resolution 1990/64 the Commission on Human Rights had invited the Sub-Commission to avoid any proliferation of draft resolutions or decisions on issues already being dealt with by the Commission and to seek the widest possible measure of agreement on draft resolutions. The draft resolution before the Sub-Commission was typical of the type of resolution that the Commission had invited the Sub-Commission to avoid. At its forty-sixth session the Commission on Human Rights had taken no action on Sub-Commission resolution 1989/7 and there had been no new developments to justify a further resolution on the same issue. He wondered whether it was proper to forward to the Commission a resolution similar to one it had already ignored.

28. The Secretary-General was trying to find a solution to the situation in East Timor; the situation was also being closely followed by the General Assembly. A solution to the fundamental political problem in East Timor should be sought in those spheres rather than in the Sub-Commission.

29. Mr. JOINET agreed with Mr. Ilkahanaf as to the inappropriateness of the Sub-Commission as a forum for deciding the future of the people of East Timor, and drew his attention to the amendments made to the draft resolution in order to emphasize its strictly humanitarian objective.

30. Mrs. MBONU said that in view of the improvement in the human rights situation in East Timor, described by Mr. Treat, she felt that it was inappropriate for the Sub-Commission to concern itself with a draft resolution on an issue that was essentially political.

31. Mrs. PALLEY said that she fully endorsed the amendments made to the draft resolution in order to emphasize its humanitarian character. In reply to the view expressed by Mrs. Mbonu, she said that self-determination was the most fundamental of all rights, and not merely a political, but also a fundamental human right that lay, for example, at the crux of the problem in South Africa.

32. Mrs. KSENTINI, supported by Mr. van BOVEN, said that the draft resolution could not but help towards a peaceful solution to the problem in East Timor, whatever the political implications of the problem might be. She could not share Mr. Ilkahanaf's view that the draft resolution contributed to a proliferation of resolutions. It concerned one of a series of cases that did not receive attention from the Commission and with which the Sub-Commission should concern itself.

33. Mrs. DAES said, in reply to the point raised by Mr. Treat, that the sponsors of the draft resolution were not unaware that some progress had been made in East Timor. However, she was convinced that if he had heard, as she had, the concrete descriptions of human rights violations made before the Working Group on Indigenous Populations, he would not have been so confident about the improvements made.

34. Mr. LOEIS (Observer for Indonesia) pointed out that the draft resolution was formulated along the same lines as the previous year's. All its paragraphs had strong political elements clearly reflected in the references made to the ongoing dialogue and to a comprehensive political solution to the so-called issue of East Timor; those were matters outside the competence of the Sub-Commission. He also noted that Commission on Human Rights resolutions 1988/43 and 1989/36 had urged the Sub-Commission to avoid as much as possible political issues within the jurisdiction of other United Nations bodies.

35. Access to East Timor was a non-issue, as Indonesia was one of the few countries in the world with a policy of open entry. Members of human rights organizations had themselves recognized that they had travelled to remote areas of the province without restriction. The allegations of human rights violations were merely an exaggeration of certain incidents, based on one-sided and unfounded allegations. Finally, as the Commission had not taken any action on the so-called issue of East Timor for the last five years further consideration of it would be a futile exercise, and he respectfully requested the members of the Sub-Commission to reject the draft resolution.

36. A vote was taken by secret ballot.

37. Draft resolution E/CN.4/Sub.2/1990/L.41, as amended, was adopted by 14 votes to 9, with 1 abstention.

Review of further developments in fields with which the Sub-Commission has been concerned (agenda item 4) (continued) (E/CN.4/Sub.2/1990/L.62)

Draft decision E/CN.4/Sub.2/1990/L.62

38. Mrs. PALLEY said that she wished to become a sponsor of the draft decision.

39. Mr. TREAT proposed inserting the word "updated" before the word "report" in the antipenultimate line of the draft decision.

40. Mrs. DAES said that she preferred the expression "progress report" to "updated report".

41. Mr. ALFONSO MARTINEZ proposed the following amendment to line 6 of the draft decision in order to harmonize it with the previous practice of the Sub-Commission: "... to accomplish his work. It further requests the Special Rapporteur to take into account in his future work the opinions expressed during the debate on his preliminary report at its forty-second session, and decides ...".